IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 273 OF 2006

Mr. Shaikh Sameer Ali Haji Hussain ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. Meghashyam Kocharekar for the applicant.

Mr. S.S. Tatkare, APP for the respondent.

CORAM: V.M. KANADE, J.

DATE: 1st March, 2006

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with the complaint which was lodged against him for the offence punishable under sections 395, 397, 509, 34 of the Indian Penal Code. It is alleged that the complainant paid Rs 50,000/- to the applicant which he had demanded. It is alleged that the applicant also took her mobile phone. The complainant, in this case, is a Chartered Accountant. The applicant had applied for loan from the Standard Chartered Bank. However, the loan was not sanctioned. The complainant used to consider the financial portfolio of the persons who had applied for loan to the said Bank. Considering

the material on record, in my view, the applicant is entitled to be released on bail. The applicant is a businessman having his permanent residence in Mumbai. The assistant of the complainant Surendra Shukla was also arrested by the Virar Police Station in January, 2005 for cheating. It appears that there was some transaction which has not been brought on record between the applicant and the complainant and the amount may not have been taken by the applicant by extortion. In any case, the Sessions Court itself has recorded that this amount as well as the mobile phone has already been returned to the complainant. The investigation is almost over.

3. Under these circumstances, the applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall co-operate with the police. The applicant shall attend the concerned Police Station once in a week till filing of the charge-sheet and, thereafter once in a month.

4. Application is accordingly disposed of.

V.M. KANADE, J.